

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13683, of Mary B. Bogounoff, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to an existing dwelling and an accessory garage which now exceeds the lot occupancy requirements (Paragraph 7107.21) and the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) for a proposed addition to an existing dwelling and an accessory garage in an R-3 District at the premises 3007 P Street, N.W., (Square 1269, Lot 833).

HEARING DATE: March 4, 1982

DECISION DATE: April 7, 1982

FINDINGS OF FACT:

1. The subject property is located on the north side of P Street, N.W. and is known as premises 3007 P Street, N.W. It is zoned R-3.

2. The property is improved with a two-story row house and a two-car garage.

3. The applicant proposes to construct a third story addition to house an artist's studio, to expand the kitchen into the areaway at the northeast part of the dwelling, and to construct an addition to the existing garage for a hobby workshop.

4. The existing dwelling, along with the accessory garage, presently exceeds the lot occupancy by eighteen feet. The proposed addition would exceed the allowable lot occupancy by 230.06 square feet or 16.11 per cent.

5. The applicant testified that the addition is necessary because of the small size of the existing dwelling and an increase in family size due to remarriage. The applicant further testified that she had discussed her plans for the addition with her immediate neighbors and that the neighbors have no objection to the proposed addition.

6. By letter dated February 8, 1982, Advisory Neighborhood Commission 3A opposed the application for the following reasons:

1. The existing dwelling is already too large and exceeds the lot occupancy requirements.

2. The proposed additions to the existing dwelling and accessory storage would further overdevelop the lot.
3. The resultant overdevelopment of the lot would undermine one of the most important zoning controls in an R-3 District, i.e., the lot occupancy limitation.

7. The Citizens Association of Georgetown, by letter dated February 17, 1982, opposed the application because the property is already overbuilt and there is no evidence of a peculiar or exceptional practical difficulty inherent in this piece of property.

8. The applicant offered no testimony with regard to any practical difficulty she would suffer that is caused by some exceptional or extraordinary condition of the property.

9. The Board left the record open until March 25, 1982, for submission by the applicant of a written statement expressing the nature of the practical difficulty and statements in support from neighboring residents. The Board finds that no supplemental submissions have been made by the applicant.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested relief is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner.

The Board concludes that the applicant was given ample opportunity to demonstrate an exceptional or extraordinary condition of the property and practical difficulty which would result if the requested relief were not granted. The Board concludes that the applicant has failed to meet the required burden of proof. The Board concludes that the only difficulty alleged by the applicant, relating to family size, is personal to the applicant and is not specific to the subject property. It is not a proper basis for the granting of a variance.

The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. The Board concludes that the requested relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is DENIED.

VOTE: 4-0 (Walter B. Lewis, Connie Fortune, William F. McIntosh and Charles R. Norris to DENY; Douglas J. Patton not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER

Executive Director

FINAL DATE OF ORDER: JUL 29 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."